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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

8 UNITED STATES OF AMERICA, No. CR-12-0483 EMC  
9 Plaintiff,  
10 v.  
11 MANDY NATCHI YAGI and PETER  
12 WONG,  
13 Defendants.  
**ORDER RE DEFENDANT'S MOTIONS FOR SUBPOENA**  
**(Docket Nos. 137, 138)**

15 Defendant Yagi has filed two motions requesting subpoenas seeking records and documents  
16 from the San Mateo County District Attorney's Office and the San Mateo County Health and  
17 Human Service's Office. Defendant seeks records relating to the safes used by the entities for  
18 storing estate property from January 1, 2007 to present.

19 Good cause appearing, the Court finds this motion appropriate for disposition without a  
20 hearing. Crim. Local R. 17-2(a)(1); 47-2(a). Given the circumstances of this case, specifically the  
21 impending trial date, the Court finds it proper to immediately issue the subpoenas so as to ensure  
22 speedy resolution of any motion to quash brought by either the government or the subpoenaed  
23 parties. Accordingly, the Court's issuance of the subpoenas is without prejudice to either the  
24 government or the subpoenaed parties moving to quash the subpoenas as unreasonable, oppressive,  
25 or for failing to meet the standards of a Rule 17(c) subpoena. *See United States v. Reed*, 726 F.2d  
26 570 (9th Cir. 1984) ("Federal Rule of Criminal Procedure 17(c) requires a showing of relevancy,  
27 admissibility, and specificity to support the issuance of a subpoena duces tecum."). Should the  
28 government seek to quash the subpoenas, its motion to quash shall address the question of whether it

1 has standing to challenge a third-party subpoena. *See United States v. Ail*, No. CR 05-325-RE, 2007  
2 WL 1229415, at \*4-5 (D.Or. Apr. 24, 2007) (discussing government standing to quash subpoenas  
3 directed to a third party).

4 Any motion brought by the subpoenaed party or the government to quash the requested  
5 subpoenas shall be filed no later than noon on Friday, October 11, 2013. Any opposition to a motion  
6 to quash shall be filed no later than 5:00pm on Monday.

7 Further, the Court issues the subpoenas subject to the following modifications, *see Crim.*  
8 Local R. 17-2(a)(2) (“In issuing an order granting the motion, the Court may place limits on the  
9 scope of the requested production.”):

- 10 • The proposed subpoena to the Health and Human Service’s  
11 Office seeks, in part, “Contents of the safe used for storing  
12 estate property by the Deputy Public Administrators.” The  
13 Court finds this request vague and, to the extent Defendant is  
14 seeking to determine the contents of the safe over time, this  
15 request is duplicative of the earlier request seeking “[r]ecords  
16 .. of the safe used for storing estate property by the Deputy  
17 Public Administrators for San Mateo County during the time  
18 period of 1/01/2007 to present.” It is therefore stricken from  
19 the subpoena.
- 20 • The Court further finds the temporal scope of the requested  
21 subpoenas to be overly broad. The subpoena is therefore  
22 modified to request records between January 1, 2007 and June  
23 21, 2012, the date of the indictment in this case.

24 However, the Court’s issuance of the subpoenas is without prejudice to either the government or the  
25 subpoenaed parties moving to quash the subpoenas as unreasonable, oppressive, or for failing to  
26 meet the standards of a Rule 17(c) subpoena. *See United States v. Reed*, 726 F.2d 570 (9th Cir.  
27 1984) (“Federal Rule of Criminal Procedure 17(c) requires a showing of relevancy, admissibility,  
28 and specificity to support the issuance of a subpoena duces tecum.”).

29 Production of documents pursuant to this subpoena shall be on a rolling basis commencing  
30 on Wednesday, October 16, 2013 (unless otherwise ordered) and concluding no later than Friday,  
31 October 25, 2013. The subpoenaed parties are instructed to search for and prepare to begin  
32 production of responsive documents on Tuesday, October 15, 2013, notwithstanding the pendency  
33 of any motion to quash. Produced documents shall be provided to counsel for Defendant Yagi who  
34 shall, if requested, provide copies to the parties.

1       Upon presentation of Form 89B by Defendant Yagi to the Clerk of Court, the Clerk is  
2 ordered to issue the subpoenas. Defendant Yagi is then ordered to immediately serve the subpoenas,  
3 along with this order, on the subpoenaed parties.

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5       IT IS SO ORDERED.

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7       Dated: October 8, 2013

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EDWARD M. CHEN  
United States District Judge

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